

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF PUERTO RICO

FAUSTINO XAVIER BETANCOURT
COLÓN

Plaintiff,

v.

PLAZA LAS AMERICAS, INC., et al

Defendants.

Civil No. 23-

NOTICE OF REMOVAL

Defendant Puerto Rico Telephone Company, Inc. d/b/a Claro de Puerto Rico ("Claro"), hereby gives notice of removal of the action pending in the Puerto Rico Court of First Instance, San Juan Part, captioned *Faustino Xavier Betancourt Colón v. Plaza Las Américas, Inc., et seq.*, Civ. No. SJ2023cv04587 (the "action"), under 28 U.S.C. § 1441(c), on the following grounds:

1. On May 17, 2023, Plaintiff filed the action against various defendants including Claro for alleged violations of Title III of the American with Disabilities Act., 42 USC § 12181 et seq. ("ADA"). See, **Exhibit A** (Complaint in Spanish); **Exhibit B** (certified translation).
2. On May 25, 2023, Claro was served with summons and a copy of the complaint. See **Exhibit A** (summons and citation in Spanish); **Exhibit B** (Certified Translation).
3. Pursuant to 28 U.S.C. § 1446(b), which generally prescribes the removal procedure, the period to remove would have ended on Saturday, June 24, 2023. However, given the weekend, the deadline to remove is extended until June 26, 2023. See Fed.R.Civ.P. 6(a)(1)(C)(when the last day of a period is on a Saturday, Sunday or holiday the period continues to run until the next business day).
4. Claro thus timely removes Plaintiffs' action from local court pursuant to 28 U.S.C. § 1331, which provides that the "[t]he district courts shall have original jurisdiction of all civil

actions arising under the Constitution, laws, or treaties of the United States." Removal is, therefore, proper under 28 U.S.C. § 1441(c) because the Court has original subject-matter jurisdiction over this action. When a complaint invokes and requests remedies pursuant to ADA, removal is appropriate since a federal question has been raised. See, *Figueroa Mercado v. Luis A. Ayala Colón*, 2010 WL 11545625 (DPR 2010).

5. Certified translations of the Summons and Complaint are submitted as **Exhibits A & B**, in accordance with 28 U.S.C. § 1446(a).

6. Defendant gives notice of removal and request that this case proceed as an action properly removed to this Honorable Court pursuant to 28 U.S.C. §§ 1441 and 1446.

7. An informative motion will be promptly filed with the Superior Court of Puerto Rico San Juan Part in the case entitled *Faustino Xavier Betancourt Colón v. Plaza Las Américas, Inc., et seq.*, Civ. No. SJ2023cv04587, pursuant to 28 USC § 1446(d).

CERTIFICATION: An electronic copy of the foregoing was filed with the Clerk of the Court using the CM/ECF system. An electronic copy will be sent to José Carlos Vélez Colón, counsel for Plaintiffs at vlg@velezlawgroup.com.

Respectfully submitted,

In San Juan, Puerto Rico, on June 23, 2023.

CASELLAS ALCOVER & BURGOS, P.S.C.
P.O. Box 364924
San Juan, PR 00936-4924
TEL. (787) 756-1400
FAX (787) 756-1401

/s/ César T. Alcover Acosta
USDC-PR No. 204311
calcover@cabprlaw.com

*Counsel for Puerto Rico Telephone Company,
Inc.*